

exceed twice the longest term of imprisonment authorized for the most serious misdemeanor offense at the offender's prior conviction level. Consecutive sentences cannot be imposed if all convictions are for Class 3 misdemeanors.

Case Law

- Consecutive sentences for Class A1, Class 1, or Class 2 misdemeanors may not exceed twice the maximum sentence authorized for the most serious offense even if the sentences are suspended.¹
- If the sentencing judge is silent on the issue when announcing judgment in open court, multiple sentences are concurrent by default under G.S. 15A-1340.15(a). The court may not alter the sentences to run consecutively on the written judgments without providing the defendant an opportunity to be heard.²

Example: An offender is convicted of three misdemeanor offenses (Class 1, Class 2, and Class 3) and the court finds that the offender has six prior convictions, which places the offender in Prior Conviction Level III. If the court elects to impose consecutive sentences, the cumulative length of imprisonment cannot exceed 240 days (twice the longest possible term for the most serious misdemeanor at the offender's prior conviction level). In this case, however, the longest sentence which could be imposed would be 200 days (120 days for the Class 1 misdemeanor, 60 days for the Class 2 misdemeanor, and 20 days for the Class 3 misdemeanor).

Consolidated Offenses

If an offender is convicted of more than one offense, the court may consolidate the offenses for judgment and impose a single sentence for the consolidated offenses. The judgment must contain a sentence disposition specified for the misdemeanor class and prior conviction level of the most serious misdemeanor, and the sentence of imprisonment must be within the range specified for that misdemeanor class and prior conviction level.

Example: An offender is convicted of three misdemeanor offenses (Class 1, Class 2, and Class 3) and the court finds that the offender has six prior convictions, which places the offender in Prior Conviction Level III. If the court elects to consolidate the offenses, the sentence imposed must conform to the sentence disposition and the sentence range prescribed for the most serious misdemeanor (the Class 1 misdemeanor) at the offender's prior conviction level. For example, the longest consolidated imprisonment sentence the court could impose would be 120 days.

Step 4b. Imposing an Intermediate Punishment

If the court imposes an intermediate punishment, the term of imprisonment must be suspended and the court must impose a period of supervised probation which includes at least one condition of probation which is defined as an intermediate punishment.

¹ *State v. Wheeler*, __ N.C. App. __, __ S.E.2d __ (Jan. 19, 2010).

² *State v. Crumbley*, 135 N.C. App. 59, 519 S.E.2d 94 (1999).